



Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

GENERAL PLAN REPORT

2004 Spring Hearing

Hearing Date/Agenda Number:
P.C. April 26, 2004 Item:

File Number:
GP04-03-01

Council District and SNI Area:
3 – Spartan/Keyes SNI

Major Thoroughfares Map Number:
83

Assessor's Parcel Number(s):
472-14-022

Project Manager: Dionne Early

PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram designation from Medium High Density Residential (12-25 DU/AC) to General Commercial on 0.12 acres.

LOCATION: West side of South Seventh Street approximately 150 feet northerly of Keyes Street (1083 South Seventh Street).

ACREAGE: 0.12

APPLICANT/OWNER:

Brian Lee/Brian Lee

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Medium High Density Residential (12-25 DU/AC)

Proposed Designation: General Commercial

EXISTING ZONING DISTRICT(S): Commercial Neighborhood (CN)

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

NORTH: Residential; Medium High Density Residential (12-25 DU/AC)

SOUTH: Auto repair shop; General Commercial

EAST: Residential; General Commercial

WEST: Light Industrial; High Density Residential (20-50 DU/AC)

ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration adopted on April 14, 2004.

PLANNING STAFF RECOMMENDATION:

Office on 0.12 acres.

Approved by:

Date:

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

- Airport Land Use Commission (ALUC) – The ALUC has no comments on the proposed amendment because the site lies outside of the project referral boundaries for San Jose International Airport and Reid-Hillview Airport.
- Department of Public Works (DPW) – The DPW Transportation and Development Services Division indicated that the subject site is in a State Liquefaction Zone.
- Department of Transportation (DOT) – The proposed project would not result in a long term traffic impact.
- Valley Transportation Agency (VTA) – VTA has no comments on the proposal.
- Pacific Gas & Electric – PG&E has no objections regarding GP04-03-01.

GENERAL CORRESPONDENCE:

No correspondence was received.

ANALYSIS AND RECOMMENDATIONS:

PROJECT DESCRIPTION

This is a privately-initiated General Plan amendment request to change the *San Jose 2020 General Plan* Land Use/Transportation Diagram on a 0.12-acre site located at 1083 South Seventh Street, approximately 150 feet northerly of Keyes Street, from Medium High Density Residential (12-25 dwelling units per acre) to General Commercial.

The subject site's current General Plan land use designation of Medium High Density Residential (12-25 DU/AC) is typified by two-story apartments and condominiums with surface parking. Structures of greater height with compensating amounts of open space are possible.

The proposed General Plan land use designation of General Commercial is a non-specialized commercial designation intended to permit a wide range commercial, business and professional office uses. The applicant's intent is to use the property and the existing structure for a real estate and loan office. Staff is recommending approval of a General Plan land use designation change to Office which is typified by business and professional offices. The *San Jose 2020 General Plan* states that this designation can be used on the edges of residential neighborhoods because office uses are not intrusive.

Approval of the proposed change to General Commercial could potentially allow the conversion of the subject site into a commercial use that would be incompatible with the surrounding Medium High Density Residential (12-25) and High Density Residential (20-50) designations as well as the existing neighboring

residential uses. Conversely, an Office designation would be compatible for the reasons stated in this report. The applicant is comfortable with staff's recommendation of Office.

BACKGROUND

The amendment site consists of a 0.12-acre parcel occupied by a single-family detached house. The subject site is zoned CN-Commercial Neighborhood and has a General Plan land use designation of Medium High Density Residential (12-25 DU/AC). The site is located in the Spartan-Keyes Strong Neighborhood Initiative area, but is just outside of the area of the Martha Gardens Specific Plan (the rear parcel line abuts the specific plan boundary).

Site and Surrounding Uses

The site is located on the west side of South Seventh Street approximately 150 feet northerly of Keyes Street. South Seventh Street is a Major Collector providing vehicular access to and from Highway 280, which is located approximately 2.5 blocks northwest of the subject site. Uses near the site are predominantly residential with the majority of commercial uses located at the intersection of Keyes and South Seventh Streets. The rear (southwest) boundary abuts the boundary of the Martha Gardens Specific Plan area. Commercial and light industrial uses currently operate on the adjacent site.



SUBJECT SITE: 1083 SOUTH SEVENTH STREET, FRONT AND REAR.



RESIDENTIAL TO THE EAST & EXAMPLE OF
COMMERCIAL USE AT INTERSECTION OF 7TH AND KEYES.



AUTO REPAIR SHOP TO THE SOUTH.

SUBJECT SITE

ANALYSIS

Land Use Compatibility

The subject site has the potential to act as a transitional site between different uses. To its north and east, current uses, existing zoning and General Plan land use designations are all residential, while to the south and west, current uses, existing zoning, and General Plan land use designations are a mixture of light industrial and commercial.

The General Commercial designation allows for a variety of commercial uses including strip commercial centers, freestanding commercial buildings, and offices. The Office designation primarily allows business and professional office uses. Retail commercial uses are not permitted under the Office designation. The General Plan states the Office designation can be used adjacent to residential neighborhoods because it is not intrusive and can provide a more compatible transitional use between existing and future residential

and light industrial/commercial uses. Based on the above analysis, staff recommends that the land use designation change from Medium High Density Residential (12-25 DU/AC) to Office.

The General Plan Urban Design Policy No.1 states that the City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses. Changes of use on parcels have the potential to raise significant compatibility questions.

Due to the number of legal and illegal conversions of residential structures to non-residential uses, City Council Policy No. 6-11, *Design Criteria For Conversion of Residential Structures To Non-Residential Uses* was approved on April 1, 1980. The policy states that non-residential uses permitted in residential neighborhoods must conform to the Zoning Ordinance and must conform to the General Plan using the same standards established for commercial uses in commercial neighborhoods. These new uses, generally light office uses and small neighborhood services must do all of the following: 1) be compatible with the residential structure; 2) conform to normal daytime business hours; 3) provide parking and automobile circulation area in the rear of the structure; 4) be limited to one business enterprise; 5) any remodeling should be architecturally compatible with the neighborhood or at least be consistent with the basic architecture of the structure; 6) be limited to one non-illuminated sign; 7) screen all mechanical equipment from public view and site it to limit noise impacts; and 8) provide trash and garbage enclosures in the rear yard area. In conjunction with this policy, The San Jose Zoning Ordinance, Chapter 20.80, Specific Use Regulations, Part 4, *Conversion Of Residential Dwellings* states that a Special Use Permit is required to convert a single-family dwelling to any other use only after the land use designation has been changed to permit the use. While the subject site seems to conform to City Council Policy No. 6-11, the owner/applicant will be required to go through the Special Use Permit process that will require and confirm adherence to the above provisions.

Consistency with the San Jose 2020 General Plan Major Strategies, Goals, and Policies

The *San Jose 2020 General Plan* has seven Major Strategies that establish the basic framework for planning in San Jose. One of the seven Major Strategies is Urban Conservation/Preservation. The Urban Conservation/Preservation Major Strategy encourages preserving individual and groups of historic and architectural structures that add character and interest to the City's image. The objective of conservation/preservation goes beyond individual structures and groups of structures to contribute visual evidence at a strategic level to a sense of community that grows out of the historical roots of San Jose's past. Although Historic Preservation planning staff indicates the structure at 1083 South Seventh Street built in 1908 has been altered and does not meet CEQA standards of historic significant value, the scale, overall appearance and proportions of the structure do positively contribute to the architectural fabric of the neighborhood. An amendment to Office is consistent with this strategy because no physical change to the subject site is proposed and the site will retain the character of the surrounding neighborhood.

The *San Jose 2020 General Plan's* first Residential Land Use Goal is to provide a high quality living environment in residential neighborhoods. Residential Land Use Policy No.2 states that residential neighborhoods should be protected from the encroachment of incompatible activities or land uses that may have a negative impact on the residential living environment. In particular, non-residential uses that generate significant amounts of traffic should be located only where they can take primary access from an arterial street. The subject site conforms to this policy as the Department of Transportation has determined that changing the land use designation to Office will create an insignificant amount of traffic and South Seventh Street is a Major Collector.

Environmental Issues

The proposed change in the General Plan land use designation on the subject site was analyzed in an Initial Study that resulted in a Mitigated Negative Declaration. The Initial Study concluded that the proposed land use change from Medium High Density Residential (12-25 DU/AC) to General Commercial or Office would not substantially degrade the quality of the environment.

Aesthetics

The proposed change in land use to General Commercial or Office could alter the existing visual character of the subject site. The site currently is developed with a single-family house. If the site is developed under the General Commercial or Office land use designation, new commercial or office uses could be built which would change the general character of the site. Implementation of Urban Conservation Policy No. 2 and Urban Design Policies No.s 1, 6 and 8 in the *San Jose 2020 General Plan* would mitigate the potential impact. Alternatively, an office use could occupy the existing structure without changing the visual character of the site.

Geology and Soils

The site is currently flat and is predominantly paved. Changing the land use to General Commercial or Office would not impact the geology and soils of the site. In the event strong seismic ground shaking should occur, Implementation of Hazards Policy No.1 and Earthquakes Policy No.1 would mitigate the potential impact.

Hydrology and Water Quality

The site is not located in an area within the 100-year floodplain. Future development of the site would also be required to conform to the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit to reduce impacts on storm water quality. Future construction on the site would disturb soil and potentially produce urban runoff. To mitigate this impact, Water Resources Policy No. 12 would be implemented.

Noise

A change in land use to General Commercial or Office may create a noise impact. To mitigate this impact, Noise Policy No. 1 would be implemented.

PUBLIC OUTREACH

The property owners and occupants within a 1,000-foot radius were sent a newsletter regarding the two community meetings that were held on March 25 and 29, 2004. They also received a notice of the Mitigated Negative Declaration and a notice of the public hearings to be held on the subject amendment

and the expanded site before the Planning Commission on April 26, 2004 and City Council on June 1, 2004. The Department's web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This site is available to any member of the public and contains the most current information regarding the status of the amendments.

Staff has received no written correspondence on the proposed amendment. A phone call from a member of the Spartan/Keyes Strong Neighborhood Initiatives Neighborhood Action Committee (NAC) initiated both an e-mail response from staff on April 1, 2004 and a discussion at the April 8, 2004 Spartan/Keyes NAC meeting regarding the amendment on the subject site. The following concerns regarding the amendment are as follows:

- Concern regarding losing housing within the neighborhood;
- Concern regarding other residential conversions to offices in the neighborhood that have been poorly executed and are not aesthetically pleasing throughout the Spartan-Keyes area;
- Questions regarding the future business hours at the subject site; and
- Questions regarding the number of people that the business at the subject site will employ with particular concern regarding parking and traffic implications of the land use designation change.

In response to the community's comments and questions, the General Plan change would result in the loss of one home from the City's housing inventory. Staff acknowledges the community's interest in the issues of traffic, parking, and aesthetics that could surface with an Office proposal would be addressed at both the Special Use Permit and/or planning permit stage. The City's General Plan, Commercial Design Guidelines, Zoning Ordinance, and City Council Policy No. 6-11 (Design Criteria for Conversion of Residential Structures to Non-residential Uses) would provide assurance that the project would address the community's concerns. In addition, the NAC would be notified of the permit application when/if it is filed so they would have an opportunity to comment on the specific elements of the project.

RECOMMENDATION

Planning staff recommends changing the General Plan designation from Medium High Density Residential (12-25 DU/AC) to Office on the 0.12-acre site.

GP04-03-01

